



. 06-22-05

DAC *HW*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Art Unit 1742

Examiner: Daniel J. Jenkins

Applicants:

Morris F. Dilmore

Serial No:

10/039,811

Filed:

January 8, 2002

For:

METAL CONSOLIDATION PROCESS  
APPLICABLE TO FUNCTIONALLY  
GRADIENT MATERIAL (FGM)  
COMPOSITIONS OF TANTALUM AND  
OTHER MATERIALS

-----  
Pasadena, California  
June 20, 2005

RESPONSE TO DECISION ON PETITION DATED APRIL 25, 2005

Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Sirs:

As requested, an executed Part B fees transmittal form is enclosed. It shows that zero total fees are due.

With respect to the April 25 Notice of Petition further decision, please note that the statement therein, "no reply was received", on page 2, line 10 is incorrect.

Enclosed herewith is a copy of a postcard receipt, stamped by the PTO on December 17, 2004, showing that the Office received on Dec. 17, 2004 the designated "Petition for

Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b)".

A copy of that Petition is enclosed. Kindly charge  
any additional fee to Account No.08-0118. Kindly  
refund any overpaid fee.

Respectfully submitted,

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

William W. Haefliger  
Attorney for Applicants  
Registration No.17,120  
Area code 323 684-2707

WWH:hk  
Enclosure  
Docket 12,105-1



201 SOUTH LAKE AVENUE  
SUITE 512  
PASADENA, CALIFORNIA 91101

LAW OFFICES  
**WILLIAM W. HAEFLIGER**  
PATENT LAWYER

TELEPHONE  
(323) 684-2707  
(626) 449-0467  
FAX (626) 449-0520  
E-MAIL: whaefflg@pacbell.net

June 20, 2005

**CERTIFICATE OF EXPRESS MAILING**

Mail Stop Petition  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450


Sir:

I, WILLIAM W. HAEFLIGER, hereby certify that the attached "Response to Decision on Petition dated April 25, 2005, and Transmittal Form Part B, and a self-addressed stamped postal acknowledgement card were deposited with the U.S. Patent and Trademark Office "Express Mail - Post Office to Addressee", mailing label number EV 367127457 US in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450, on June 20, 2005.

Dated: June 20, 2005

Dkt.12,105-1

By

  
William W. Haefliger  
Attorney for Applicant  
Registration No.17,120  
Area Code 323 684-2707

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)  
 7590 09/23/2003

William W. Haefliger  
 Suite 512  
 201 So. Lake Ave.  
 Pasadena, CA 91101

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

William W. Haefliger	(Depositor's name)
	(Signature)
June 20, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/039,811	01/08/2002	Morris F. Dilmere	12,105-1	1120
------------	------------	-------------------	----------	------

TITLE OF INVENTION: METAL CONSOLIDATION PROCESS APPLICABLE TO FUNCTIONALLY GRADIENT MATERIAL (FGM) COMPOSITIONS OF TANTALUM AND OTHER MATERIALS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
-------------	--------------	-----------	-----------------	------------------	----------

nonprovisional	NO	\$0	\$0	\$0	12/23/2003
----------------	----	-----	-----	-----	------------

EXAMINER	ART UNIT	CLASS-SUBCLASS
----------	----------	----------------

JENKINS, DANIEL J	1742	075-245000
-------------------	------	------------

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 William W. Haefliger  
 2  
 3

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Ceracon, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Carmichael, California

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 08-0118 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

6-20-05

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

In Group 1742

Applicant: Morris F. Dilmore et al

Examiner:

Daniel J. Jenkins

Serial No. 10/039,811

Filed: Jan. 8, 2002

For: METAL CONSOLIDATION PROCESS APPLICABLE TO FUNCTIONALLY  
GRADIENT MATERIAL (EGM) COMPOSITIONS OF TANTALUM AND  
OTHER MATERIALS

Any Dkt: 12.105-1

Due: 1-2-05

The date stamped hereon will be considered

the filing date of the attached Petition for Revival of an Application  
for Patent Abandoned Unintentionally Under 37 CFR  
1.137(b) & Check for \$1,500.





Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 12,105-1
<p>First named inventor: Morris F. Dilmore et al</p> <p>Application No.: 10/039,811                      Art Unit: 1742</p> <p>Filed: January 8, 2002                      Examiner: Daniel J. Jenkins</p> <p>Title: METAL CONSOLIDATION PROCESS APPLICABLE TO FUNCTIONALLY GRADIENT MATERIAL (FGM) COMPOSITIONS OF TANTALUM AND OTHER MATERIALS</p> <p>Attention: Office of Petitions <b>Mail Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (703) 872-9306</p> <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"><li>(1) Petition fee;</li><li>(2) Reply and/or issue fee;</li><li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li><li>(4) Statement that the entire delay was unintentional.</li></ul> <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,500</u> (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>charge to Acct. No. 08-0118</u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ <u>1,600</u>.</p> <p><input checked="" type="checkbox"/> has been paid previously on <u>July 17, 2003</u></p> <p><input type="checkbox"/> is enclosed herewith.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**  
Signature

Dec. 14, 2004

Date

William W. Haefliger

Typed or printed name

17,120

Registration Number, if applicable

201 S. Lake Ave., Suite 512

Address

1 323 684-2707

Telephone Number

Pasadena, California 91101

Address

Enclosures: ☐ Fee Payment (see 2) above)☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: charge to Acct.No.08-0118.

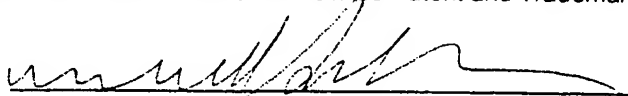
## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

Dec. 14, 2004

Date

  
Signature

William W. Haefliger

Typed or printed name of person signing certificate